

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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ABRAHAM AUSTIN,

Case No. 3:19-cv-00346-MMD-CLB

Petitioner,

ORDER

v.

WARDEN BILL GITTERE, *et al.*,

Respondents.

*Pro se* Petitioner Abraham Austin filed a habeas petition on August 6, 2019 pursuant to 28 U.S.C. § 2254. (ECF No. 6 (“Petition”).) On February 22, 2021, this Court ordered Austin to inform the Court whether he wished to voluntarily abandon the unexhausted claims in his federal habeas petition, return to state court to exhaust his unexhausted claims, or file a motion asking this Court to stay and abey his exhausted federal habeas claims while he returns to state court to exhaust his unexhausted claims. (ECF No. 31 (“Order”).) The Order was served on Austin at his address of record via U.S. Mail. The Order was returned as undeliverable. (ECF No. 32.) Austin has not filed a notice of change of address with the Court as required by LR IA 3-1, and the Nevada Department of Corrections website reflects that he has been paroled. Accordingly, this Petition is dismissed without prejudice for failure to update address.

It is therefore ordered that Austin’s habeas petition (ECF No. 6) is dismissed without prejudice.

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1 It is further ordered that a certificate of appealability is denied.

2 The Clerk of Court is directed to enter judgment accordingly and close this case.

3 DATED THIS 16<sup>th</sup> Day of September 2021.

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7 MIRANDA M. DU  
8 CHIEF UNITED STATES DISTRICT JUDGE  
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